

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. **Claims 1-10 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholls et al. (5,485,369) in view of Kara (6,233,568) in further view of InterShipper (Newsbytes Article, Internet Update)**

3. With respect to Claims 1-10 and 15-21 : Nicholls discloses the use of a shipping computer system (see abstract), with a method of using the system and a computer program located on the computer system, which instructs the computer to (column 4, lines 8-24, and columns 15-27) collect parcel specifications, such as weight and

dimensions *as well as origin and destination addresses (Figures 4A and 4B) and a default location or location type (columns 17 and 18, Table II for the proposition that this table discloses in the Shipper Maintenance that the master list of shippers are via ENUM for full information on all current shippers which also include zip codes)*, said corresponding default shipping location type comprising: *an indication of a shipping center to which the particular respective user would take a parcel to be shipped, an indication of a drop box into which the particular respective user would place a parcel to be shipped, a carrier counter to which the particular respective user would take a parcel to be shipped, an indication that parcels to be shipped would be available for pickup according to a scheduled pickup, or an indication that the user would call for pickup from an address associated with the particular respective user (please note the Examiner has elected to examine an indication of a shipping center to which the particular respective user would take a parcel, shown at col. 17 and 18 through Table II. for the proposition the location type is merely the location of the shipper), and to use shipping rules to calculate rates for the shipment (column 4, lines 49-55, column 5, lines 34-40, columns 25 and 26, line 39). Nicholls discloses using the origin and destination zip codes and zones (column 8, lines 43-55). Nicholls discloses each carrier having a set of shipping requirements and a predefined rate structure (column 2, lines 17-19, column 4, lines 49-55 and claim 1), and identifying and displaying the carriers along with the rates of services, for each of the parcels according the rules (See Figures 4B, 4C and 4D, column 2, lines 32-38, column 7, lines 25-29 and claim 1) for each carrier.*

Nicholls discloses storing this information into a database (Column 7, lines 53-67).

Nicholls discloses this system to be used over a global network (Column 3, lines 38-45).

4. However Nicholls fails to disclose that for each carrier determining whether the carrier would support the shipping of a particular parcel according to rules, and generating a simultaneous display of rates for multiple carriers for a delivery service. Kara discloses simultaneously displaying rates for multiple carriers for a selected delivery service (see Figure 8) and discloses the rates are disclosed for those carriers meeting the desired parameters (Column 22, lines 13-48). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Nicholls, to display the rates for multiple carriers, as disclosed by Kara, in order to allow a user to compare rates and choose a carrier themselves. (see Kara, Columns 3-5).
5. Kara and Nicholls disclose generating an online display of at least one service of a plurality of carriers, however fails to disclose the simultaneous display of the rates for each carrier for each service. InterShipper is an internet, online website, where internet users can enter origin, destination, package weight and dimensions and will be displayed every method possible that you can use to ship your package for all major shippers (See Internet Update Article Page 1, Paragraphs 1-3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nicholls and Kara to display every method possible to ship a package, as disclosed by InterShipper, in order to find the cheapest shipping rate (See Page 1).

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 and 15-21 have been considered but are not convincing. In addressing Applicant's newly amended claims, it is the Examiner's position that the zip code is still taught as decided previously. Applicant's arguments are primarily directed to the fact that there is both a "ship-from" postal code and location type. It is the Examiner's position that the location type has been further defined to include "an indication of a shipping center to which the user would take a parcel." Nicholls specifically teaches the master list of shippers, accessed by clients when choosing a shipper. In the least, the shipper has a zip code and the address is the shipping location where the parcel could be taken. In short, the SHPNA I/O Token has both the zip code and the whole address from where the parcel would be shipped. However, it is still the Examiner's position that the "location type" is taught as well since the recited table II shows that part of shipper maintenance is to allow for a master list of shippers for clients to access through ENUM as further defined by the limitations. The full information on shippers allows for users to identify the "location type" and/or the location and type of shipper they might choose and a zip code. Therefore, users must consider the "location type" as it is common sense that a user will choose a shipper for a variety of reasons, the least of which is a particular location. In the least, the user of the prior art must choose a location type for shipping from the master list of shippers to complete shipment. In short, the claims recite identification of each carrier that would support shipping from a shipping location postal code and shipping location or shipping center. An address satisfies both the zip code and

location of the shipping center. For at least these reasons the rejection has been made Final.

Conclusion

7. The Examiner has pointed out particular references contained in the prior art of record, within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael M. Thompson whose telephone number is (571) 270-3605. The examiner can normally be reached on Monday thru Friday 8am-5:30 except Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jamisue Plucinski can be reached on (571) 272-6811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael M Thompson/
Examiner, Art Unit 3629

/Traci L Casler/
Primary Examiner, Art Unit 3629